

REMARKS

Examiner in a Final OA dated 4-15-2008 has rejected claims 1 to 20 under the obviousness rejection 37 CFR §103(a) as obvious over Treyz et al and in view of Linehan, some further in view of Lawlor and some in view of Foth

Applicant is filing a request for an RCE and a one month extension of time along with corresponding fees of \$405 and \$60.

In this amendment, Applicant has cancelled claims 1 to 20 and has added new replacement claims 21 to 40 that better define the scope of the invention. No new matter is believed added. Therefore rejection is considered moot.

The cited prior art of Treyz teaches use of a cell phone to store and transfer bankcard data to retail terminal for in store purchase transactions. Linehan teaches four party security protocols for online payment transactions between the customer computer, customer's card issuing bank, merchant computer, and merchant acquiring bank.

These two prior art do not teach singly or in any combination, features as in independent claims 21, 33 and 38, for maintaining the privacy and security of customer private data including customer bankcard data from the merchant computer system, while making payment transactions at a merchant sales terminal.

In Treyz, the use of a mobile wireless device/cell phone is to store customer bankcard data and transfer that to a retail merchant terminal at the time of purchase payment transaction and that is different and distinguishable from the use of mobile wireless device/cell phone to receive in merchant terminal id and a payment amount for a specific sales transaction and for the merchant sales terminal to transmit such information, at the time of a payment transaction as in the system claim 21. These two uses of the wireless device/cell phone at the time of retail sales payment transaction are inherently

different, as the later is directed to securing customer private data including bankcard data from merchant computer systems and the Treyz us is directed to convenience of not having to carry bankcards. Therefore, the system claim 21 is not obvious over the cited prior art. Like wise the dependent claims are not obvious either.

5

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In Treyz, the use of a mobile wireless device/cell phone is to store customer bankcard data and transfer that to a retail merchant terminal at the time of purchase payment transaction and that is different and distinguishable from the use of mobile wireless device/cell phone to receive in merchant terminal id and a payment amount for a specific sales transaction and for the merchant sales terminal to transmit such information, at the time of a payment transaction as in the function claim 38. These two uses of the wireless device/cell phone at the time of retail sales payment transaction are inherently different, as the later is directed to securing customer private data including bankcard data from merchant computer systems and the Treyz us is directed to convenience of not having to carry bankcards. Therefore, the function claim 38 is not obvious over the cited prior art. Like wise the dependent claims are not obvious either.

30

CONCLUSION

In conclusion, Applicant respectfully asserts that claims 21 to 40 are patentable for the reasons set forth above, and that the application is now in a condition for allowance.

Accordingly, an early notice of allowance is respectfully requested. The Examiner is requested to call the undersigned at 310-540-4095 for any reason that would advance the instant application to issue.

Dated this the August 11, 2008

Respectfully submitted,



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